

UNCLASSIFIED

Processing CCTV footage: Alleged employee misconduct

Procedure

1. Introduction

- 1.1 This procedure sets out the process to be followed when processing CCTV footage in relation to alleged employee misconduct. The Procedure only relates to Council CCTV equipment. Adherence to the procedure promotes good practice and ensures compliance with the Data Protection Act 1998, Protection of Freedoms Act 2012, ICO CCTV Code of Practice, Surveillance Camera Code of Practice 2013 and the Human Rights Act 1998.
- 1.2 Employees are made aware that their images being *overtly* recorded by a CCTV camera by appropriate signage which indicate the presence of monitoring and recording, the purpose of the monitoring and recording, the ownership of the system and a contact details.

2. Images recorded by CCTV

- 2.1 Recorded images of living, identifiable individuals constitute personal data under the Data Protection Act.
- 2.2 Processing means access, use, viewing, storage, copying, disclosure and deletion of images recorded by CCTV.

3. When can CCTV footage be processed for alleged employee misconduct

- 3.1 When a serious complaint has been made or serious incident has occurred and there is a need to investigate the complaint/incident; and for use in an HR/Audit investigation.
- 3.2 It must be necessary, proportionate and the complaint/incident can only be investigated by processing CCTV footage.

4. Procedure

- 4.1 Managers should liaise with the HR Performance Team who in turn should liaise with Internal Audit if they need to process CCTV footage and they should inform the relevant officer who manages the CCTV system that the footage should be secured. Internal Audit will consider whether the processing of the CCTV footage is appropriate in the given circumstances.
- 4.2 If the processing of the CCTV footage is deemed appropriate, Internal Audit will complete an application form (attached at Appendix 1) to be submitted to the Monitoring Officer /Deputy Monitoring Officer for consideration. The application must clearly demonstrate:
 - Details of the proposed processing of the CCTV footage;
 - Evidence of necessity and proportionality and the likely benefits to be gained;
 - Details of who will be viewing the footage and why;
 - Any likely adverse impact(s) of the use and access of the footage to both the employee concerned and others who might be affected by it, e.g. collateral intrusion and privacy impact assessments;
 - Evidence that all reasonable alternative methods of investigating the alleged misconduct (e.g. relevant HR policies have been followed, obtaining statements, interviews etc.) have been duly considered including speaking to the individual(s) concerned.

5. Authorisation

- 5.1 Processing of the CCTV footage will only be authorised if the Monitoring Officer/Deputy Monitoring Officer is satisfied that it is necessary, proportionate and that there are grounds to suspect serious complaint or serious incident . The Monitoring Officer may either sign the application form or use email to convey their decision.
- 5.2 In considering the application, the Monitoring Officer/Deputy Monitoring Officer shall have regard to other relevant Council policies and procedures.
- 5.3 Upon authorisation, the Audit & Risk Manager will confirm with the relevant manager/supervisor that the footage can be processed for an investigation.
- 5.4 Retrospective applications will not be authorised.

6. Outcome of the processing of CCTV footage

- 6.1 If appropriate CCTV footage can be used as evidence in relation to a serious complaint or a serious incident which is dealt in accordance with relevant Council procedures.
- 6.2 Where allegations are substantiated, the employee must be informed as soon as is reasonably practicable.

7. Storage/Retention/Requests for information

- 7.1 If allegations are substantiated, all recorded information will be stored securely in accordance with the Council's corporate retention and disposal policy.
- 7.2 If it is not appropriate for CCTV footage to be used as part of a relevant Council procedure or the procedure has come to an end then all recorded information will be securely destroyed.
- 7.3 Requests from the data subject, or their authorised representative, for copies of the CCTV footage will be managed via the Council's Subject Access Request process.

8. Register

- 8.1 The Monitoring Officer will keep a register of all applications, authorisations and reasons for refusing any applications on a rolling 3 year period.
- 8.2 The Monitoring Officer will review the applications, authorisations and refusals in conjunction with Internal Audit (as appropriate) on an annual basis.
- 8.3 The Monitoring Officer will report to the Cabinet Member (Community Safety and Equalities) on a six monthly basis.

9. Training

- 9.1 All employees involved with dealing with the CCTV footage will undertake appropriate training.
- 9.2 All employees working with CCTV will be required to sign a declaration form at Appendix 2.

10. Confidentiality

- 10.1 The application form must be marked private and confidential and/or password protected.
- 10.2 Confidentiality must be maintained at all times.

11. Non Compliance

- 11.1 Failure to comply with this procedure is likely to render any evidence obtained inadmissible in any subsequent disciplinary or legal proceedings; and may lead to disciplinary action against the employee concerned. Appendix 3 is a useful flowchart describing the process for requesting CCTV data access.

12. Appendices

- 12.1 Appendix 1: Application form
- 12.2 Appendix 2: Employee Declaration form
- 12.3 Appendix 3: Flowchart for staff guidance

Document Control: The documentation will be reviewed on a biannual basis. **Version History**

Version	Status	Date	Author	Summary of Changes
1.0	For Review	May 2014	A Bajaj	Initial document

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Member Approval

Name	Date
Cllr Townshend Cabinet Meeting (Policy & Equalities)	

Distribution

Name	Organisational Department	Format
All	Intranet	Word Document

Enquiries regarding this procedure should be directed to Legal Services.